

**REMARKS**

Applicant herein provides this amendment/response in response to the Official Action dated August 3, 2004.

***Rejections Under 35 USC § 112***

Applicant has amended the claims in order to more specifically highlight the novel and inventive features of the invention while removing the word "complete" in order to overcome the rejection. Use of the word "still" to describe the image is supported by the specification in the last paragraph at page 15 of the specification. Moreover, the phrase "corresponds with a frame in the segment of video content" is supported by the specification at FIG.3 and in the section describing FIG. 3, which appears at p. 10 and 11 of the specification. Finally, the word "corresponds", as used within the claims, should be given its ordinary meaning, which is "to be similar or *equivalent* in character, structure or function" (American Heritage Dictionary) and/or "to compare closely or *match*" (Merriam Webster Dictionary).

***Rejections Under 35 USC §102***

The Examiner has rejected the claims under 35 USC §102 as being anticipated by U.S. Patent No. 6,229,541 issued to Kamen et al. (hereinafter "**KAMEN**"), which *actually issued after* applicant's priority date but which is based upon an application *filed less than one year before* applicants priority date. In the rejection, the Examiner states in a very curt and unsubstantiated fashion that "as understood the images comprise a complete select frame"; but, he fails to cite to any relevant text in **KAMEN** where this conclusion is supported. Contrary to the Examiner's conclusion, **KAMEN** does not teach all the aspects or limitations of the claimed invention. In fact, **KAMEN** discloses an alternate method for solving the same problem as the present invention.

As taught and disclosed in **KAMEN**, in order to assist a user from having to chase a small moving object (which appears in a moving video) around on a screen with a cursor, a template can be overlaid which defines active areas of the screen. **KAMEN**, col. 2, ln.30-35. Each active area or region in the template is associated with a single

link. When the active area is selected (i.e. when the user positions a cursor anywhere within the region of the template), the link associated with that area is then displayed on the display screen. **KAMEN**, col 22-36. **KAMEN** further discloses that the active areas or regions of the template can be distinguished by using a particular color or positioning a particular icon within the region. In an alternative embodiment, the regions or areas appear to be invisible to the user but the areas maybe become highlighted or visible, or the cursor may change appearance, only when the cursor is positioned over the areas. **KAMEN**, col. 2, ln. 10-22, col 3, ln. 17-21.

The closest that **KAMEN** comes to teaching the claimed invention is located at column 4, lines 24 through 54. This section states:

In a fourth embodiment, regions 4a to 4d display images that periodically change. For example, for thirty seconds, a first thumbnail still or video image appears in region 4a, and thereafter, a second image appears in region 4a. After another thirty seconds elapses, a third image appears in region 4a.

In one embodiment, the *links* associated with regions 4a to 4d are related to the content displayed in region 6. (In this embodiment, the template comprising regions 4a to 4d is typically provided by the content provider of the image shown in region 6.) For example, if region 6 displays a sporting event, regions 4a to 4d might correspond to links for displaying information about that or related sporting events.

Accordingly, **KAMEN** discloses having a video displayed in region 6, having images or icons displayed in areas 4a to 4d, and having links associated with the regions 4a to 4d which are related to the video content shown in region 6. However, **KAMEN** does not specifically disclose that the images in the regions 4a to 4d are still images which correspond with *actual frames* from the video displayed in section 6. Nor does it disclose that these images themselves each contain a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content. Instead, in all of the embodiments disclosed in **KAMEN**, the entire area or region of 4a corresponds with a single associated link. Likewise, the entire

area or region 4b corresponds with a single associated link, and so on. Therefore links in **KAMEN** are associated with regions or areas of the template which overlays the video, while the present invention has links which are contained within each still image, separate and apart from the video, and these links are defined by user selectable areas within the still image and not in a template which overlays the video. Finally, in **KAMEN**, when a user selects one of the template regions, the information from the link is then provided on screen 2, replacing the video or image previously displayed in that same location. Unlike **KAMEN**, the claimed invention simultaneously provides the specific information about the product to the user in *a separate and third portion of said display*. Accordingly, the video content plays in one area, the still images appear in a second and separate area, and the information from the associated links is displayed in a third and separate area.

As a further note, it should not escape the Examiners attention that **KAMEN** specifically teaches that the video displayed in section 6 can be a video annotated with links and that by placing a template over the video, a user can selectively activate and deactivate those links in those portions of the video image which are then masked by the template. **KAMEN**, col. 5, ln. 1-7. Clearly **KAMEN** still recognizes the use of hyperlinks embedded in video which can be activated and deactivated selectively through the use of templates and **KAMEN** does not disclose using still images which correspond with actual frames from the video and which therein each contain a number of user selectable areas with each user selectable area showing one of the products contained in the corresponding segment of video content and being anchored to a hyperlink, with each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased.

*Substance of the Interview*

*Additional References Discussed During Examiner Interview*

An interview was had with Examiner Andrew J. Rudy on October 26, 2004 and this communication shall also serve as summary of the substance of that interview.

During the interview conducted with the Examiner, the Examiner agreed that elimination of the word "complete" from the claim language and addition of the word "still" would eliminate the rejection under 35 USC §112. The applicant also discussed differences between the cited art of **KAMEN** and the claim language and the Examiner agreed to consider the new claim language and the written arguments submitted herewith.

Near the conclusion of the interview, three additional references not previously cited in any official action were briefly disclosed by the Examiner. The references were not discussed in detail but merely identified and thought to be relevant by the Examiner to the currently pending application. Accordingly, the Examiner advised the attorney for applicants to consider these references in preparing this formal response/amendment. These three references are U.S. Patent No. 6,690,391, U.S. Patent No. 6,629,135, and U.S. Patent No. 6,557,054.

Additionally, after the interview was concluded, the Examiner telephoned back later that same day and identified two additional references which the applicant should consider in preparing this response/amendment. These two additional references are U.S. Patent No. 6,314,575 and U.S. Patent No. 6,147,686.

In the interests of saving time and expediting this application, the applicants shall herein address these additional references.

Referring to U.S. Patent No. 6,690,391 by Proehl et al. (hereinafter referred to as "**PROEHL**"), there is disclosed a graphical user interface (GUI) for providing efficient and easy user navigation and selection of different types of media in an audio/visual system. As **PROEHL** recognizes, prior art on-screen interactive menus require a user to navigate laterally or horizontally through options by use of a four way directional button/keypad. **PROEHL**, col. 1, ln. 45-56. **PROEHL** discloses the use of a navigation bar and a scrolling mechanism or track ball, along with a unique GUI to accomplish this same function and allow a user to peruse and selected desired media in an audio visual system.

Turning to FIG. 18 of **PROEHL** there is disclosed a "snapshot" of the GUI wherein a user has selected to view the movie TITANIC. As shown FIG. 18, the GUI includes a video display area 400, wherein the movie TITANIC is shown as playing. The GUI also includes what is referred to as a vertical list of hyperlinks 404. These hyperlinks may be textual or they may be represented by icons 406, 408, 410, 412, 414 which are representative of the information available at the hyperlink. For example, the TITANIC video hyperlink may be textual or may be represented by a small video cassette icon 406 which when selected will take the user to a website where the video may be purchased. Similarly, the LEONARDO DI CAPRIO actor hyperlink may be textual or it may be presented by a picture of the actor 412, which when selected will take the user to a website that will tell the user more about the actor and his movies. See **PROEHL**, col. 12, ln.39-67.

Accordingly, **PROEHL** discloses that as a moving video is displayed, a series of textual or iconic hyperlinks may be simultaneously displayed. Applicant does not dispute that textual hyperlinks or hyperlinks represented through icons can be displayed side by side with moving video. This is well known in the art. However, the novelty in the claimed invention is the use of still images which are actual frames from the segment of video content and which contain a plurality of user selectable areas which allow a user to click on items featured in each segment of video content while continuing to watch the video in an uninterrupted fashion. As the video plays, the images are updated/changed. In the present invention, a user may then click on products featured in a segment of video by not clicking on the actual moving video; but, rather, by clicking on products in the still images. Using the hyperlink anchored to the selected area, information about each selected product is then displayed in a third area of the screen.

**PROEHL** makes no mention of providing a segment of video content in a first portion of a display, wherein said segment of video has a number of products featured in the video content which a user may purchase. Nor does **PROEHL** hint, teach or suggest simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a

number of user selectable areas, each user selectable area showing one of the products and being anchored to a hyperlink where specific information about the product resides and from which the product may be purchased. Accordingly, PROEHL fails to hint teach or suggest the key elements of the invention and is not relevant.

Referring to **U.S. Patent No. 6,629,135** by Ross, Jr. et al. (hereinafter referred to as "**ROSS**"), there is disclosed a e-commerce outsourcing method and system which addresses and improves upon previous limitations in a conventional affiliate e-commerce system. As **ROSS** recognizes, previously known e-commerce affiliate systems were very limited in that a user would visit an affiliate site and when choosing to shop for a particular item, would then be redirected to a particular merchant site, thereby taking internet traffic away from the affiliate site. As stated in **ROSS**:

The benefits of affiliate programs are significant. To the website owner, they constitute revenue-generating web content without requiring an investment in product inventory or additional infrastructure. They also create new revenues without necessarily reducing the website's available ad inventory. However, the greater benefit almost always accrues not to the affiliate, but to Amazon.com and other online stores. Not only do these sites benefit from the marketing resources of the affiliate operation, they are also able to lure the visitor traffic away from the affiliate. Once a visitor clicks on an affiliate ad and enters an online store, that visitor has left the affiliate's site and is gone. **ROSS**, col. 2 ln. 24-31.

**ROSS** discloses a system and method whereby a new webpage is created when a user clicks on a product featured on a host or affiliate website, this page being generated by a server other than the host or affiliate server, but maintaining the "look and feel" of the host/affiliate web page. **ROSS**, col. 3 ln. 5-27. More specifically, specific dynamic content items are selected from the host/affiliate website are selected and stored so that a new webpage can be created whenever a particular product is selected, with that new web page maintaining the look and feel of the original host/affiliate webpage but allowing the user to shop for the item from the merchant. **ROSS**, col. 15, ln. 5-35.

**ROSS** makes no mention of providing a segment of video content in a first portion of a display, wherein said segment of video has a number of products featured in

the video content which a user may purchase. Nor does ROSS hint, teach or suggest simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a number of user selectable areas, each user selectable area showing one of the products and being anchored to a hyperlink where specific information about the product resides and from which the product may be purchased. Accordingly, ROSS fails to hint teach or suggest the key elements of the invention and is not relevant.

Referring to U.S. Patent 6,557,054 by Reisman (hereinafter referred to as "REISMAN"), there is disclosed a system and method for providing software updates to a plurality of non-connected computers. In fact, REISMAN has nothing to do with video content, still images or internet e-commerce. REISMAN teaches that if multiple computers which are not all interconnected via some common proprietary network have software installed on their computer, it is desirable to have a way to update/supplement that software with upgrades/changes in an efficient way. REISMAN, col.1, ln. 29-67 and col. 2, ln. 1-61. Accordingly, REISMAN teaches that a software component known as "transporter software" is installed on each individual computer, this transporter software will effect communications with a "distribution software" component resident on a hot server via the internet in order to obtain upgrades at regular intervals.

If the Examiner is familiar with Real Networks, he will undoubtedly know that when you install RealOne Player on your computer, the installation includes a "transporter software" component known as "rnathchk.exe" which is a part of the Real Networks RealOne Player. This software component constantly runs as a process in the background and regularly checks for product updates by communicating with a distribution software component located on the Real Networks home servers. This program is a non-essential process which does not interfere with a user's daily use and operation of his computer and it is usually not terminated unless suspected to be causing problems. The "rnathchk.exe" software is exactly the same type of transporter software component as that which is disclosed and discussed in REISMAN.

**REISMAN** makes no mention of providing a segment of video content in a first portion of a display, wherein said segment of video has a number of products featured in the video content which a user may purchase. Nor does **REISMAN** hint, teach or suggest simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a number of user selectable areas, each user selectable area showing one of the products and being anchored to a hyperlink where specific information about the product resides and from which the product may be purchased. Accordingly, **REISMAN** fails to hint teach or suggest the key elements of the invention and is not relevant.

Referring to U.S. Patent 6,314,575 by Billock et al. (hereinafter referred to as "**BILLOCK**"), there is disclosed a system and method for providing video on demand over a televised network which includes an interactive interface which allows a viewer to review a list of available video programs and which facilitates the viewer's selection of a desired program. The interactive interface includes a listing of videos available for viewing, short previews of the videos available for viewing, and even still images of the video. As explained in **BILLOCK**, the interactive interface preferably operates in three modes—a list mode, a preview mode, and an information mode. When operating in the list mode, the display is preferably divided into two sections. The first section is a menu window which *displays a list of video programs that are available for viewer selection*. The second section displays still images associated with each of the programs in the list. These still images may aid the viewer in identifying or remembering the subject matter of the active program.

In some situations, a still image may not provide enough information for the viewer to make a program selection. The interactive interface thus offers a preview mode. As **BILLOCK** discloses:

When the viewer activates the preview mode actuator 68, a preview mode screen 72 is displayed, as shown in FIG. 7. In the preview mode, the display window 42 serves *a single large window for displaying a full-motion preview of the active program* (i.e., the program that was highlighted by the active program bar 48 in the list mode shown in FIG. 6). Preferably, the full-motion

preview lasts for about 30 seconds, and includes video and audio components. The title of the active program appears in the lower portion of the display window 42.

Once a user decides on which video he or she would like to view, the menu disappears and the video then plays in the window. A user may toggle back and forth between the menu and the actual video but both are not available at the same time.

Therefore, it cannot be said that **BILLOCK** teaches providing a segment of video content in a first portion of a display (said segment of video having a number of products featured in the video content which a user may purchase) while simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and which contains a number of user selectable areas, each user selectable area showing one of the products contained in the corresponding segment of video content and being anchored to a hyperlink, with each hyperlink linking to an e-commerce website where specific information about the product resides and from which the product may be purchased. **BILLOCK** makes no mention of using hyperlinks in the still image. The still image in **BILLOCK** is merely an image from a video which is used to remind a user of what the video is about so he or she may order it and view it real time in a video on demand system.

Finally, referring to U.S. Patent No. 6,147,686 by Brown et al. (hereinafter referred to as "**BROWN**") there is disclosed a system and method for providing a graphical image and having the ability to associate viewer information with the image and manipulate that image real time using an interactive interface which allows a viewer to view the image and move/change items depicted in the image.

**BROWN** makes no mention of providing a segment of video content in a first portion of a display, wherein said segment of video has a number of products featured in the video content which a user may purchase. Nor does **BROWN** hint, teach or suggest simultaneously providing a still image in a second and separate portion of the display, which image corresponds with a frame in the segment of video content and contains a

number of user selectable areas, each user selectable area showing one of the products and being anchored to a hyperlink where specific information about the product resides and from which the product may be purchased. Accordingly, BROWN fails to hint teach or suggest the key elements of the invention and is not relevant.

The Examiner fails to recognize that it is the efficient integration and combination of all three of these elements (video featuring a number of products a user may wish to purchase being shown in a first area of a display, corresponding still images displayed in a second and separate area of the display with the images being frames from the video and having the same products but being embedded with hyperlinks, and finally product information/purchasing capability displayed at the same time in a third and separate area of the display) into a single graphical user interface (GUI) which makes the invention new over the prior art.

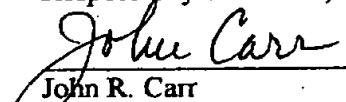
*Declaration Under 37 CFR 1.131*

When any claim of an application is rejected, the inventor may submit an appropriate oath or declaration to establish invention prior to the effective date of the reference on which the rejection is based. Therefore, in the event that the Examiner does not agree with the arguments presented above with respect to the above mentioned references, the applicant has herein further included a declaration which indicates a date of invention prior to the effective dates of these prior art references. As the declaration indicates, the invention claimed in the application was first conceived in July of 1998 then diligently reduced to practice within ten months by May of 1999. Each of the above referenced materials issued from patent applications filed after the date of conception and are, accordingly, refuted.

*Conclusion*

Based upon the foregoing remarks, the Applicant respectfully submits that all of the claims in the instant application are in condition for allowance, and prompt reconsideration and allowance of all claims is hereby solicited.

Respectfully submitted,

  
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Dated: November 1, 2004